

### **REMARKS/ARGUMENTS**

The Official Action dated 15 May 2007 has been carefully considered, along with cited references, applicable sections of the Patent Act, Patent Rules, the Manual of Patent Examining Procedure and relevant decisional law.

Claims 1, 3, and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Baughman et al. US 6,070,568.

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Baughman et al. US 6,070,568 in view of Steinberg US 4,467,799.

Applicant respectfully submits that the present invention is different from that of the cited arts as can be seen from their respective structures. Applicant's invention as specified in the amended claim 1 is patentably distinguishable over these references when taken either singularly or in combination for the following reasons:

The Examiner has rejected claims 1, 3, and 4 under 35 U.S.C. § 103(a) as being unpatentable over Baughman et al. US 6,070,568, and states that Baughman et al. discloses a mask comprising an outer layer (40) including a plurality of hair members (Baughman does not explicitly teach a hair member, however layer 40 is a fabric layer, and some fabric in the art can have long fibers/hair on it's outer surface) ...

With reference to the Baughman reference, it disclosed in col. 3, lines 13-14, the camouflage fabric layer 40 also is highly permeable to air flow through it, but Baughman failed to teach the camouflage fabric layer 40 provided and formed as a surfactant

device to spoil surface tension of moist that are attached onto the camouflage fabric layer 40.

In addition, as disclosed in col. 4, lines 18-22, the camouflage fabric layer 40 is positioned against the wearer's face and the generally white mesh fabric layer 20 becomes the exposed outer layer of the mask member 10.

However, the camouflage fabric layer 40 may not be positioned against the wearer's face when the camouflage fabric layer 40 is a hair member, because the wearer may feel uncomfortable.

In addition, when the camouflage fabric layer 40 is treated with anti-virus and/or anti-germ medical materials or is coated with bactericide coating, the camouflage fabric layer 40 also may not be positioned against the wearer's face because the wearer may be poisoned by the anti-virus and/or anti-germ medical materials or the bactericide coating.

For claim 2, the Examiner cites Steinberg as an example disclosing transparent odor free face mask with bactericide coating.

However, in the Steinberg reference, as disclosed in col. 2, lines 33-45, the mask 10 is attached to the face by means of pressure sensitive adhesive spots ..., these spots of pressure sensitive adhesive are encapsulated in transparent resinous microballoons ...

In comparison, in the Steinberg reference, the mask 10 failed to provide a hair member or a surfactant device to spoil surface tension of moist that are attached onto the mask 10, and also failed to provide a hair member or a surfactant device treated with anti-virus and/or anti-germ medical materials or coated with

bacteriocide coating.

By contrast, in Applicant's invention, as amended in the amended claim 1, an outer layer (10) of a mask is disclosed and includes a plurality of hair members (11) provided on outer peripheral portion to form a hairy structure and to be formed as a surfactant device to spoil surface tension of moist that are attached onto the hair members (11) of the outer layer (10), and simultaneously, the outer layer (10) is treated with anti-virus and/or anti-germ medical materials to increase an anti-virus and/or anti-germ effect of the outer layer (10), an intermediate layer (20) of active carbon materials is attached onto the outer layer (10), and an inner layer (30) of anti-moist cloth materials is attached onto the active carbon intermediate layer (20), for engaging with users, and for preventing the active carbon intermediate layer (20) from contacting with the users, and simultaneously, the inner layer (30) and the active carbon intermediate layer (20) and the outer covering layer are secured together with stitches to form an integral structure.

The cited arts fail to teach an outer layer (10) of a mask including a plurality of hair members (11) provided on outer peripheral portion to form a hairy structure and to be formed as a surfactant device to spoil surface tension of moist that are attached onto the hair members (11) of the outer layer (10), and simultaneously, the outer layer (10) being treated with anti-virus and/or anti-germ medical materials to increase an anti-virus and/or anti-germ effect of the outer layer (10), an intermediate layer (20) of active carbon materials is attached onto the outer layer (10), and

an inner layer (30) of anti-moist cloth materials attached onto the active carbon intermediate layer (20), for engaging with users, and for preventing the active carbon intermediate layer (20) from contacting with the users, and simultaneously, the inner layer (30) and the active carbon intermediate layer (20) and the outer covering layer being secured together with stitches to form an integral structure. The applicant's invention is different from that of the cited arts and has improved over the cited arts.

In view of the foregoing amendments and remarks, applicant respectfully submits that the present invention is patentably distinguishable over the cited arts and that the application is now in condition for allowance, and such action is earnestly solicited.

Courtesy and cooperation of Examiner ALI are appreciated.

Respectfully submitted,

By: Charles E. Baxley

CHARLES E. BAXLEY

Attorney of Record

USPTO Reg. 20,149

90 John Street – Suite 309

New York, N.Y. 10038

TEL: (212) 791-7200

FAX: (212) 791-7276

Date: New York, N.Y.